

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation, MDL 2817*

No. 1:18-CV-864

This document relates to:

Hon. Robert M. Dow, Jr.

*Motor Vehicle Software Corp. v. CDK Global,
Inc., et al., Case No. 18-cv-865 (N.D. Ill.)*

Magistrate Judge Jeffrey T. Gilbert

STIPULATION AND [PROPOSED] ORDER TO SUBSTITUTE PARTY

Plaintiff Motor Vehicle Software Corp. (“Plaintiff”) and Defendant CDK Global, Inc. (“Defendant”), by and through their undersigned counsel, jointly submit this Stipulation and proposed Order regarding the substitution of CDK Global, LLC as Defendant in place of Defendant CDK Global, Inc. in the above-referenced matter.

WHEREAS, Plaintiff filed this action against Defendant CDK Global, Inc. on February 3, 2017, in the United States District Court for the Central District of California.

WHEREAS, on February 5, 2018, the United States Judicial Panel on Multidistrict Litigation (“MDL”) transferred this and other related matters to the United States District Court for the Northern District of Illinois and consolidated the matters into a single MDL proceeding.

WHEREAS, counsel for Defendant has contacted counsel for Plaintiff and explained that CDK Global, Inc. is the parent holding company of CDK Global, LLC with no employees or other relevant assets to the instant suit, and that the entity with the operations, assets, and employees relevant to the instant suit (and the MDL) is CDK Global, LLC, a subsidiary of CDK Global, Inc.

WHEREAS, counsel for Plaintiff and Defendant have agreed that CDK Global, LLC is the proper party to this litigation and should be substituted for CDK Global, Inc. as Defendant so that all claims made against CDK Global, Inc. are now made as and against CDK Global, LLC.

WHEREAS, counsels for Plaintiff and Defendant have agreed that Plaintiff need not file a further amended complaint naming CDK Global, LLC, and that CDK Global, LLC adopts all of CDK Global, Inc.'s pleadings filed in this action.

WHEREAS, counsel for Plaintiff and Defendant submit that this substitution will not delay or otherwise affect the timing of the instant proceedings nor is it intended to prejudice Plaintiff from collecting on any judgment against CDK Global LLC.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendant, that

1. CDK Global, LLC be substituted in place of Defendant CDK Global, Inc., and CDK Global, Inc. is dismissed without prejudice.
2. All pleadings in this action only shall be construed *nunc pro tunc* as if filed/proffered by CDK Global, LLC.

STIPULATED AND AGREED:

/s/ Britt M. Miller

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Dated: July 10, 2018

/s/ Derek T. Ho

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SO ORDERED:

Hon. Robert M. Dow, Jr.